

1 Annette W. Jarvis, Utah Bar No. 1649  
 2 RAY QUINNEY & NEBEKER P.C.  
 3 36 South State Street, Suite 1400  
 4 P.O. Box 45385  
 5 Salt Lake City, Utah 84145-0385  
 Telephone: (801) 532-1500  
 Facsimile: (801) 532-7543  
 Email: [ajarvis@rqn.com](mailto:ajarvis@rqn.com)

**E-FILED ON DECEMBER 12, 2006**

6 and

7 Lenard E. Schwartzer  
 Nevada Bar No. 0399  
 8 Jeanette E. McPherson  
 Nevada Bar No. 5423  
 9 Schwartzer & McPherson Law Firm  
 2850 South Jones Boulevard, Suite 1  
 10 Las Vegas, Nevada 89146-5308  
 Telephone: (702) 228-7590  
 Facsimile: (702) 892-0122  
 12 E-Mail: [bkfilings@s-mlaw.com](mailto:bkfilings@s-mlaw.com)  
 Attorneys for Debtors

13 **UNITED STATES BANKRUPTCY COURT**  
 14 **DISTRICT OF NEVADA**

15 In re:

16 USA COMMERCIAL MORTGAGE COMPANY,

Debtor.

Case Nos. BK-S-06-10725 LBR  
 Case Nos. BK-S-06-10726 LBR  
 Case Nos. BK-S-06-10727 LBR  
 Case Nos. BK-S-06-10728 LBR  
 Case Nos. BK-S-06-10729 LBR

17 In re:

18 USA CAPITAL REALTY ADVISORS, LLC,

Debtor.

Chapter 11

19 In re:

20 USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

Debtor.

21 In re:

22 USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor.

23 In re:

24 USA SECURITIES, LLC,

Debtor.

25 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Securities, LLC
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA First Trust Deed Fund, LLC

**EX PARTE MOTION FOR ORDER  
 SHORTENING TIME REQUIRING  
 VICTORIA LOOB TO APPEAR FOR  
 EXAMINATION PURSUANT TO  
 FED.R.BANK. P. 2004**

1 USA Commercial Mortgage Company, USA Capital Realty Advisors, LLC, USA  
 2 Securities, LLC, USA Capital First Trust Deed Fund, LLC and USA Capital Diversified Trust  
 3 Deed Fund, Debtors-in-Possession (collectively referred to as the "Debtors"), have filed an Ex  
 4 Parte Application For Order Approving Examination of Victoria Loob Pursuant To  
 5 Fed.R.Bankr.P. 2004 and in support thereof states as follows:

6 1. Ex Parte Application For Order Approving Examination of Victoria Loob Pursuant  
 7 To Fed.R.Bankr.P. 2004 (the "Application") has been filed. This Application respectfully requests  
 8 that the Court direct Victoria Loob ("Loob") to be examined under oath in relation to the  
 9 following:

10 Acts, conduct or property of the Debtors, or to any matter which may affect the  
 11 administration of the Debtors' estate; and acts, conduct, or property of the Debtors  
 12 that relate to the liabilities and financial condition of the Debtors, the source of any  
 13 money or property acquired or any other matter relevant to the case.

14 2. Notice can be shortened pursuant to Bankruptcy Rule 9006(c)(1) and LR 9006(a).  
 15 3. The Application is requested to be heard on shortened time because statements  
 16 made in the Declaration of Victoria Loob in support of the Objection of Investment Partners LLC,  
 17 Joseph Milanowski and Thomas Hantges To Confirmation of The Debtors' Third Amended Joint  
 18 Chapter 11 Plan of Reorganization (Docket No. 2035) need to be rebutted prior to the Debtors'  
 19 Confirmation Hearing scheduled for December 19, 2006 at 10:00 a.m.

20 Dated: December 12, 2006

21 /s/ Jeanette E. McPherson

22 Lenard E. Schwartzzer, Esq.  
 23 Jeanette E. McPherson, Esq.  
 24 Schwartzzer & McPherson Law Firm  
 25 2850 South Jones Boulevard, Suite 1  
 26 Las Vegas, Nevada 89146-5308  
 27 and  
 28 Annette W. Jarvis, Esq.  
 RAY QUINNEY & NEBEKER P.C.  
 36 South State Street, Suite 1400  
 P.O. Box 45385  
 Salt Lake City, Utah 84145-0385  
 Attorneys for Debtors